

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
Email Address Portability)
Filed Electronically)

RM-11391

Comment by Secure Email Plus

1. Introduction

Secure Email Plus a subsidiary of FSM Marketing Group, Inc., owns and operates as a provider for domain hosted email and other ancillary services such as spam and virus filtering and domain registration services, disagrees with the petitioner in that email should be mandated to be forwarded to other email addresses for any time period.

While we may be sympathetic to the petitioner's distress, their ignorance of such a request and the magnitude of such an order, is in our opinion without merit within the guidelines allowed by the Federal Communications Commission's (FCC's) administrative duties.

2. Email: the "killer app"

Email itself is not entirely always transmitted on the Internet and actually predates the Internet¹. Email has become the genesis factor for one of the uses

¹ Email - Wikipedia <http://en.wikipedia.org/wiki/EMail>

of the Internet and has become known as the killer application or commonly known as "killer app"² for use on the Internet.

E-mail is a service and one that is supported by software run on computers that have the capabilities to send, receive and store various forms of electronic material but not limited to text based messages and images.

Furthermore, additional software must be used to view the email whether it is a web-based viewer or software that is installed on a computer or other electronic device with the capabilities to create, send, receive, and store electronic messaging.

How this petition meets the requirements for action is questionable and surely does not meet statutory obligations under the FCC's Title 1 authority and in our opinion should have been denied on the basis of the petitioner's own needs in their dissatisfaction with their service provider.

3. The Petitioner vs. AOL

The petitioner plainly admits they had a problem with AOL about a service (email) of which is not a matter to be decided by the FCC. The email service was provided to the petitioner as a service and in AOL's own registered domain name. This was not the petitioner's "own" email address to which they could attach any right of ownership.

² Killer Application - Wikipedia http://en.wikipedia.org/wiki/Killer_application

4. Public Interest

The petitioner addresses the issue of one of public interest and we respectfully disagree with such reference. The overly broad play on public safety referencing carrier obligations such as CALEA and E-911 to email obviously is off the mark.

5. Conclusion

In conclusion, the petitioner while producing an admirable document has not demonstrated sufficient justification why the FCC should grant their petition in part or in its entirety under any regulatory scope afforded to the FCC. We respectfully submit that the FCC denies the petitioners request in its entirety.

/s/ Frank J. Muto
President
FSM Marketing Group, Inc.
Secure Email Plus